

# **EXHIBIT B**



# PROSPECT AGENCY

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October 6, 2023

The Honorable Sarah Netburn  
United States District Court, S.D.N.Y.  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10017

Dear Judge Netburn:

I understand that Plaintiff sought a 30-day extension of the schedule ordered by the Court on these motions on the grounds that a lawyer at one of her two law firms had COVID, and that while Defendants were agreeable to a short extension, Plaintiff sought and was granted a longer extension, and now seeks to leverage that extension to extend the schedule even further.

Neither my small company, Defendant Prospect Agency, LLC or I are covered by any insurance in this matter, so all of the expense caused by these various extensions is borne directly by me and my company. Our legal costs to date are far into the six figures at devastating impact on my family at a time when we are sending our first child to college. Even worse, the case has a chilling effect on new projects and related works further adding to the financial impact.

In addition to financial distress, this case has been incredibly emotional. To be accused of doing something I find so abhorrent is very difficult. My mental and physical health has suffered and it is difficult to carry on with regular literary agent related work and domestic activities, including caring for my aging parents and other critical life events. There has also been significant discussion of this case in online forums, all to my personal and business detriment.

I was therefore extremely distressed to learn that Plaintiff was granted yet another month – and seeks even longer – to prepare her motions.

To be clear, all I want is for the Court to be able to compare the works at issue as soon as possible. Unlike Plaintiff who is an attorney, I am completely out of my element in the legal system but I do not think it seems right that I should have to suffer through the endless strategic efforts by Plaintiff to avoid that comparison. I implore the Court not to allow Plaintiff to delay this matter any further.

Respectfully,

Emily Sylvan Kim